

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-14, 28-41 and 55-68 are rejected by Examiner. Claims 15-27, 42-54 and 69-81 have been withdrawn. Claims 1, 28, and 55 have been amended.

II. CLAIM REJECTIONS – 35 U.S.C. § 102

The Office Action rejected Claims 1-10, 12-14, 28-37, 39-41, 55-64 and 66-68 under 35 U.S.C. § 102(e) as being unpatentable by Zigmond et al (US 6,400,407). The rejection is respectfully traversed.

Claims 1, 28, and 55 have been amended to clarify the invention and appear as follows;

1. A process for frame specific tagging of television audio and video broadcast streams with tag translation at a receiver, comprising the steps of:
  - providing a storage device on said receiver;
  - inserting tags into said broadcast stream;
  - tuning said receiver to said broadcast stream;
  - receiving said broadcast stream at said receiver;
  - storing said broadcast stream on said storage device;
  - detecting said tags in said broadcast stream;
  - processing said tags;
  - displaying program material in said stored broadcast stream from said storage device to a viewer;
  - wherein said processing step performs the appropriate actions in response to said tags; and
  - wherein said tags include command and control information.

28. An apparatus for frame specific tagging of television audio and video broadcast streams with tag translation at a receiver, comprising:

- a storage device on said receiver;
- a module for inserting tags into said broadcast stream;
- a module for tuning said receiver to said broadcast stream;
- a module for receiving said broadcast stream at said receiver;
- a module for storing said broadcast stream on said storage device;
- a module for detecting said tags in said broadcast stream;
- a module for processing said tags;
- a module for displaying program material in said stored broadcast stream

from said storage device to a viewer;

wherein said processing module performs the appropriate actions in response to said tags; and

wherein said tags include command and control information.

55. A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for frame specific tagging of television audio and video broadcast streams with tag translation at a receiver, comprising the steps of:

- providing a storage device on said receiver;
- inserting tags into said broadcast stream;
- tuning said receiver to said broadcast stream;
- receiving said broadcast stream at said receiver;

storing said broadcast stream on said storage device;  
detecting said tags in said broadcast stream;  
processing said tags;  
displaying program material in said stored broadcast stream from said  
storage device to a viewer;  
wherein said processing step performs the appropriate actions in response  
to said tags; and  
wherein said tags include command and control information.

In particular, the Office Action states:

“In regard to Claims, 1, 28, and 55 Zigmond et al discloses ...

storing said broadcast stream on said storage device (Figure 3 shows the storages  
system and furthermore disclosed in Column 6 Lines 11-25);”

Zigmond does not teach or disclose storing said broadcast stream on said storage device  
as claimed in Claims 1, 28, and 55. Zigmond in Col. 6, lines 11-25 states:

“Also coupled to ASIC 20 is Read-Only Memory (ROM) 22, which  
provides storage of program code for implementing application software to be  
executed by the set-top box 10. Note that ROM 22 may be a programmable ROM  
(PROM) or any form of erasable PROM (EPROM) or Flash memory. Also  
coupled to ASIC 20 is Random Access Memory (RAM) 23. A mass storage  
device 28 may optionally be provided and coupled to ASIC 20. The mass storage  
device 28 may be used to input software or data to the client or to download  
software or data received over network connection 29 or data embedded in  
broadcast signal 8. The mass storage device 28 includes any suitable medium for

storing machine-executable instructions, such as magnetic disks, optical disks, and the like.”

Zigmond does not disclose storing said broadcast stream on said storage device as the Office Action states. Zigmond does not disclose or contemplate the complexity of storing the broadcast stream on a storage device.

The Office Action also points to Figure 3 and states that it shows a storage system, but having shown that a mass storage device exists in Zigmond’s system does not teach or disclose that a broadcast stream is stored on the mass storage device. There is no teaching or disclosure in Zigmond that a broadcast stream is stored on the storage device.

The Office Action further states:

“displaying program material in said broadcast stream from said storage device to a viewer (Column 5 Lines 64-67 describes the displaying of the program material);”

However, Zigmond does not disclose or contemplate what the Office Action states.

Zigmond in col. 5, lines 63-67 states:

“A TV interface 31 is coupled to ASIC 20 to receive broadcast video signals, such as an NTSC video signal, and provide corresponding electrical signals to ASIC 20, thereby allowing video data carried in the broadcast video signal 8 to be presented to the viewer on the TV 12.”

The mere fact that Zigmond displays video data carried in a broadcast video signal does not mean that Zigmond discloses what is claimed in Claims 1, 28, and 55. In fact, Zigmond does not disclose or contemplate storing the broadcast stream on the storage device. Zigmond further does not disclose or contemplate displaying program material in said stored broadcast stream from said storage device to a viewer as claimed in Claims 1, 28, and 55. Zigmond in col. 5, lines

64-67 describes displaying a live TV signal and not a stored broadcast stream from a storage device.

Zigmond therefore does not teach every aspect of the claimed invention either explicitly or impliedly.

Anticipation under 35 U.S.C. § 102 requires a reference to teach or disclose each and every element, limitation, or step of a claim. Since Claims 1, 28, and 55 each include at least one element not found in Zigmond, the Zigmond patent does not anticipate Claims 1, 28, and 55 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

With regard to Claims 2, 29, and 56, Applicant points out that the Office Action has misinterpreted Claims 2, 29, and 56. Said claims cite “wherein tags indicate the start and end **points** of a program segment”, where start and end points are indications of **where** the program segment is in the broadcast stream. The receiver can skip over the program segment using the start and end points, for example. The Office Action indicates that Zigmond in Col. 6, line 59-61 “describes the start and end **times** that are included in the tags.” In actuality, Zigmond discloses that batch mode logical address links are delivered as part of an EPG. Col. 6, lines 47-61 states:

“In contrast, batch mode logical address links are delivered to the client system in advance of the television broadcast to which they relate. For example, batch mode logical address links may be downloaded from a Web server to the user's client system or delivered on CD ROM or other computer readable medium. According to one embodiment, batch mode logical address links are delivered as part of an electronic programming guide (EPG) and may be modified and/or supplemented with real-time logical address links. While real-time logical address links are valid for a predetermined amount of time after receipt by the client system, batch mode logical address links typically define a time interval. For

example, a batch mode logical address link may include a start time and an end time indicating when the link is to be made available to the viewer.”

Zigmond talks about batch mode logical address links that are delivered to the client system in advance of the television broadcast to which they relate. This is not what is claimed in the Claims. Further, Zigmond discloses in Col. 6, lines 59-61 that “a batch mode logical address link may include a start time and an end time indicating when the link is to be made available to the viewer”. This is also not what is claimed in the Claims. Therefore, it is clear that Zigmond does not teach or disclose what is claimed in Claims 2, 29, and 56.

Claims 1, 28, and 55 are allowable. Claims 2-10, 12-14, and 29-37, 39-41, and 56-64, 66-68 are dependent upon Claims 1, 28, and 55, respectively, and are allowable. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. 102(e).

### III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 11, 38 and 65 under 35 U.S.C. § 103(a) as being unpatentable by Zigmond et al (US 6,400,407) in view of Dunn et al (US 5,648,824).

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant’s comments regarding Claims 1, 28, and 55, above. Claims 11, and 38, and 65 are dependent upon Claims 1, 28, and 55, respectively, and are allowable. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

### IV. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.


The Examiner is invited to telephone the undersigned at (408) 414-1080 ext. 214 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

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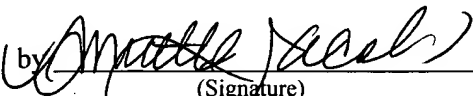
  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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